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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/896,470

06/29/2001

Arturo A. Rodriguez

A-5867

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02/01/2006

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/896,470	<b>Applicant(s)</b> RODRIGUEZ, ARTURO A.	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 9/26/05 have been fully considered but they are not persuasive.

(a) Applicant argues **"LaJoie does not teach or imply a database that is populated with bi-directional services that is subsequently displayed in a program guide"**, on page 7, paragraph 3, of the amendment filed 9/26/05.

In response, LaJoie teaches that bi-directional services (i.e. home shopping and VoD) are populated in a service table (database; 101 & 103 – Fig. 5). The data in the service table is used for the program guide – col. 16, lines 28-41, col. 30, lines 53-67.

(b) Applicant argues **"LaJoie does not teach or imply querying a bi-directional services database to determine whether or not a bi-directional service requested is available"**, on page 7, paragraph 4, of the amendment filed 9/26/05.

In response, when a program is requested it is under the control of the addressable controller (14 – Fig. 1). Addressable controller oversees the distribution of programs and services by servers for processing requests for program and services from STBs. Hence, when an STB requests a program or service, the addressable controller will query the database to determine if the program or service is available – col. 11, lines 37-50.

(c) Applicant argues **"LaJoie does not teach or imply updating the bi-directional services database to reflect that a service has been rendered mainly because there is no mention or allusion to a bi-directional services database in the LaJoie teachings"**, on page 7, paragraph 5, of the amendment filed 9/26/05.

In response, there is mention of a bi-directional services database as discussed above. In element 556 of Fig. 31, the barker displays that "The Bridges of Madison County" starts in 32 minutes. Referring to element 594, the barker displays that "The Bridges of Madison County" will be displayed on 9/14. Since the movie is supposed to start in 32 minutes, the current date is 9/14. The movies shown prior to that date are the movies that the user has already viewed. Referring to element 594 in Fig. 31, the movies selected for 9/07, 9/12, and 9/13, are the movies that have been rendered to the user. – col. 32, lines 29-33. – col. 32, lines 29-33.

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(d) Applicant argues this **"This is not analogous to the bi-directional services database of the present invention"**, on page 7, paragraph 5, of the amendment filed 9/26/05.

In response, LaJoie's bi-directional services database performs the limitations recited in the claims of applicant's bi-directional services database; LaJoie's reference teaches bi-directional services (i.e. home shopping and VoD) are populated in a service table (database; 101 & 103 – Fig. 5). The data in the service table is used for the program guide – col. 16, lines 28-41, col. 30, lines 53-67.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie (6,772,433).

Considering claim 1, LaJoie discloses a method for accessing a plurality of bi-directional services over a cable television network, comprising:

presenting a program guide to at least one subscriber of a cable television network, wherein the program guide displays at least one of a plurality of bi-directional services (i.e. home shopping and VoD) offered over the cable television network (col. 16, lines 28-41);

populating a bi-directional services database (101 & 103 – Fig. 5) with information related to the bi-directional services displayed in the program guide (Database corresponds with channel table (101) and service table (103) which contains list of services for the user - col. 16, lines 28-41, col. 30, lines 53-67);

receiving a request from a subscriber for a bi-directional service displayed in the program guide (col. 11, lines 43-47, col. 15, lines 63-67, col. 16, lines 1-6, col. 27, lines 65-67, col. 28, lines 1-4);

querying the bi-directional services database to determine whether the bi-directional service requested by the subscriber is available for consumption in a manner requested by the subscriber (When a service is requested, addressable controller (14 – Fig. 1) processes retrieving the requested service; it determines if the requested service is available. – col. 11, lines 44-50);

rendering the bi-directional service requested by the subscriber (Fig. 24-34, col. 11, lines 44-50); and

updating the bi-directional services database to reflect that the bi-directional service requested by the subscriber has been rendered (The user selects an IPPV event from the database. The system prompts the user to enter in his/her PIN number

to purchase viewing the program. –550 - Fig. 28, col. 31, lines 25-38. The database displays IPPV past events requested by the user – 594 - Fig. 31, col. 32, lines 29-33).

Considering claim 2, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises a bi-directional communication session between the subscriber and a content provider (headend 2 – Fig. 1); (col. 9, lines 50-55, col. 11, lines 44-50).

Considering claim 3, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises a bi-directional communication session concurrently between a content provider and a plurality of subscribers (A subscriber orders an VoD event. Additional subscribers order the same VoD event moments later. As a result, there is a bi-directional communication session concurrently between a content provider and a plurality of subscribers. System is inherently able to interact with plurality of viewers at the same time – col. 9, lines 50-55. It would be inoperable to only interact with one subscriber.).

Considering claim 4, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises a bi-directional communication session between the subscriber and at least one other subscriber (Messages may be sent from one subscriber to another – col. 33, lines 52-56).

Considering claim 5, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises a real-time bi-directional communication session between the subscriber and a content provider (Real-time reads on nature of interactive; the user requests and receives a response from the system. i.e. user requests an VoD event and the system retrieves and delivers it instantly).

Considering claim 6, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises a request of a bi-directional communication service for future consumption (col. 28, lines 6-7, col. 29, lines 17-19, col. 30, lines 4-6).

Considering claims 7 & 8, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises one of a plurality of instantiations of a bi-directional service offered by a content provider (Feature of instantiation reads on NVOD. A program is transmitted on several channels, 15 minutes apart. – col. 32, lines 65-67, col. 33, lines 1- 10).

Considering 9, LaJoie discloses updating the bi-directional services database to reflect that the bi-directional service requested by the subscriber has been rendered comprises updating the bi-directional services database to reflect that an instantiation of the bi-directional service requested by the subscriber has been rendered (Feature of updating corresponds with IPPV events 550 – Fig. 8, col. 31, lines 20-25).

Considering claim 10, LaJoie discloses sending a denial of service message (584 – Fig. 30) to the subscriber if the bi-directional service requested by the subscriber is not available (col. 32, lines 7-13).

Considering claim 11, LaJoie discloses comprising prompting the subscriber to request another bi-directional service if the bi-directional service requested by the subscriber is not available (The system allows the subscriber to buy the next showing - 544 – Fig. 20, col. 32, lines 13-16).

Considering claim 12, LaJoie discloses prompting the subscriber to reserve the bi-directional service for another time if the bi-directional service requested by the subscriber is not available (col. 28, lines 4-8).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



4. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Ishizaki (6,108,002)

Considering claim 13, LaJoie discloses accessing a plurality of bi-directional services over a cable television network, comprising the steps of:

populating a bi-directional services database (101 & 103 – Fig. 5) with information related to a plurality of bi-directional services (Database corresponds with channel table (101) and service table (103) which contains list of services for the user - col. 16, lines 28-41, col. 30, lines 53-67) ;

sending the bi-directional services database to a home terminal (STT 6 – Fig. 1) of a first subscriber of a cable television network (col. 30, lines 53-56);

presenting a program guide to the first subscriber of the cable television network via the home terminal, wherein the program guide displays at least one of a plurality of bi-directional services (i.e. home shopping and VoD; col. 16, lines 28-41);

receiving a request from the first subscriber for a bi-directional service displayed in the program guide (col. 11, lines 43-47, col. 15, lines 63-67, col. 16, lines 1-6, col. 27, lines 65-67, col. 28, lines 1-4);

querying the bi-directional services database to determine whether the bi-directional service requested by the first subscriber is available (When a service is requested, addressable controller (14 – Fig. 1) processes retrieving the requested service; it determines if the requested service is available. – col. 11, lines 44-50);

rendering the bi-directional service requested by the first subscriber (Fig. 24-34, col. 11, lines 44-50);

generating an updated bi-directional services database to reflect that the bi-directional service requested by the first subscriber has been rendered (The user selects an IPPV event from the database. The system prompts the user to enter in his/her PIN number to purchase viewing the program. –550 - Fig. 28, col. 31, lines 25-38. The database displays IPPV past events requested by the user – 594 - Fig. 31, col. 32, lines 29-33); and

LaJoie teaches updating bi-directional services database. However, LaJoie fails to disclose transmitting the updated bi-directional services database to a second subscriber.

In an analogous art, Ishizaki teaches that after a first subscriber reserves a movie, the updated database is displayed to a second subscriber such that it makes it easy for a subscriber to make an overlapping reservation for a program already reserved by a third party and to provide an exclusive view of whether or not an exclusive view exists for each program– Fig. 11-15, col. 9, lines 19-22, col. 2, lines 63-65, col. 3, lines 23-32.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's system to include transmitting the updated data from the database to a second subscriber, as taught by Ishizaki, for the advantage of making it easy for a subscriber to make an overlapping reservation for a program

already reserved by a third party and to provide an exclusive view of whether or not an exclusive view exists for each program.

Considering claim 14, LaJoie discloses that the information displayed in the IPG may be sent to the STT from headend— col. 30 lines 53-64. The limitation “transmitting...on a scheduled basis” reads on LaJoie in view of Ishizaki because the updated bi-directional service occurs only when there is a change as scheduled, or by periodically transmitted from the headend in the case where there is no change in the database; i.e. no request from a user. However, LaJoie fails to disclose that it is sent to the second subscriber.

In an analogous art, Ishizaki teaches that after a first subscriber reserves a movie, the updated database is displayed to a second subscriber — Fig. 11-15, col. 9, lines 19-22.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's system to include transmitting the updated data from the database to a second subscriber, as taught by Ishizaki, for the advantage of providing updated information to subscribers.

Considering claim 15, LaJoie and Ishizaki teaches populating a bi-directional services database includes populating an availability table of entries, each entry respectively associated with a bi-directional service and each entry indicating whether the associated bi-directional service is available. In particular, Ishizaki teaches that the

reservation program table generating unit (1006 – Fig. 10, bi-directional services database) is populated with entries. If there is an asterisk next to the entry in the number of reservations column, such as in Fig. 13 and 15, the respective service is not available – col. 9, lines 4-22, 22-31.

Considering claim 16, LaJoie and Ishizaki discloses querying the bi-directional services database to determine whether the bi-directional service requested by the first subscriber is available comprises querying an availability table entry in the availability table of entries that is associated with the bi-directional service requested by the first user. In particular, Ishizaki discloses that querying the database comprises of querying an availability table entry associated with the service requested by the first subscriber. In other words, if the first subscriber reserved a movie, the database will reflect so. Additionally, if the first subscriber reserved the movie in exclusive view mode resulting in not having the movie available for others, the database will reflect so – col. 9, lines 4-31.

Considering claim 17, LaJoie and Ishizaki discloses generating an updated bi-directional services database to reflect that the bi-directional service requested by the first subscriber has been rendered comprises updating the availability table entry in the availability table of entries that is associated with the bi-directional service requested by the first user. In particular, Ishizaki teaches that when a first subscriber requests a movie (bi-directional service, i.e. PPV, VoD), the reservation program table data

generating unit (1006 – Fig. 10, bi-directional service database) is updated to reflect so – col. 9, lines 4-22. Additionally, if the entry is not available, an asterisk will appear next to the title of the movie in the number of reservations column as in Fig. 13 and 15.

Considering claim 18, LaJoie and Ishizaki discloses transmitting the updated bi-directional services database to a second subscriber comprises transmitting the availability table of entries to the second subscriber. In particular, Ishizaki teaches that when an updated database is transmitted to a second subscriber, all the movies which are listed and are indicated if they are available or not – Fig. 13 & 15, col. 9, lines 4-31.

Considering claim 19, LaJoie and Ishizaki discloses transmitting the updated bi-directional services database to a second subscriber comprises transmitting the availability table entry associated with the bi-directional service requested by the first user. In particular, Ishizaki teaches that the updated bi-directional services database transmitted to a second subscriber comprises of transmitting the availability entry associated with the bi-directional service request by the first subscriber. When an updated database is transmitted to a second subscriber, all the movies listed indicated if it is available or not by the asterisk in the number of reservations column – Fig. 13 & 15, col. 9, lines 4-31.- Fig. 13 & 15.

Considering 20, LaJoie and Ishizaki discloses populating a bi-directional services database with information related to a plurality of bi-directional services comprises

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populating the bi-directional services database with a bi-directional service title. In particular, Ishizaki teaches that the bi-directional services database is populated with the title of the movie along with additional information. As shown in Fig. 11, the database is populated with the names of the available movies, i.e. Terminator 2, Die Hard 3, etc. – col. 9, lines 15-18.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

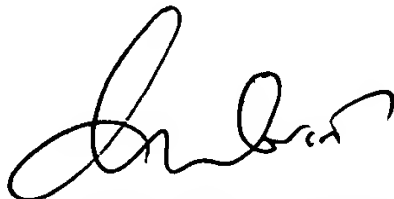
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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